

## Attachment 1

### Panel Questions regarding the Empowerment Scholarship

Susan Douglas (Charter schools representative)

Asked about PEA responsibility for evaluations, specifically in regards to charter schools.

Mr. Fleming

Current Arizona statute states that the student returns to the former PEA of residence, or if they are attending a private school in another district/PEA, the child would request an evaluation from that PEA. If the former PEA of residence was a charter school, then that charter school would be responsible for conducting the evaluation. If the PEA charter contracts with a district for evaluations and does not have an IEP Team then the district would be responsible for the evaluation.

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Edward O'Neill

By taking the Empowerment Scholarship, the parents give up the right to FAPE. So what mechanism exists to require the districts to do the evaluation?

Mr. Fleming:

State statute states that this does not release the PEA from providing the evaluation.

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### Panel Concerns:

Ms. Douglas

Concerned about practice (in statute) of substituting LEA for district. We have to look at best use of educational funding.

Shared personal stories of clashes with state law and funding issues based on current statute for ESA students and evaluations.

Christopher Tiffany

Concerns about the effect on a child's Medicaid eligibility.

Mr. Fleming

This was an unforeseen possibility. The issue is whether or not the ESA is seen as income. If ESA is seen as income then, depending on funds received (i.e.: child with autism can receive up to \$21,000), the funds could put the individual over the income threshold to receive services from other agencies, i.e.: DES and Medicaid.

ADE got a determination and a policy decision from DES. Their decision was that ESA is not seen as income. However this decision was made several months ago. This issue is reemerging again.

Ms. Williams

Can a surrogate parent of a child residing in a group home apply for the scholarship? The individual is defined as a parent in the IEP process.

Mr. Fleming

If the child is a ward of the state and has a permanent placement then the child would be eligible. If not, then the child isn't eligible.

Ms. Williams

But the individual is the education voice for the child. Children who have group home status do not have foster care parents. The Department appoints those people to be the educational parent for those students. So, wouldn't this be an education choice that they should be able to make for those children.

Mr. Fleming

Possibly in the future, but current statute does not allow for that.

Ms. Williams

What does the statute say? Does it just say "parent"?

Mr. Fleming

Yes, a parent or guardian.

Ms. Williams

Wouldn't a surrogate parent fall under that definition?

Mr. Fleming

There are two levels of eligibility. Some of the eligibility requirements are for the parent and some are for the student. For example: For active duty military, the parent has to be active duty military. The adult has to be not only the guardian but the student has to qualify as a juvenile or a ward of the state.

Mr. Fleming didn't believe that a surrogate parent would fit in the second level.

Ms. Williams

Food for Thought: We are excluding a lot of children who don't have the benefit of a foster home placement with a family or children that are severe enough that cannot live with a family and must live in a treatment home.

Ms. Vandlerluit

Who can a parent contact when they have issues with a district refusing to conduct a reevaluation for a student on the program?

Mr. Fleming told the panel that parents can contact him directly and he would help with this issue.